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## Notice of Allowability

### Application No.

09/955,777

### Examiner

Hai Vo

### Applicant(s)

GEARY ET AL.

### Art Unit

1771

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the filing of 12/06/2004.
  2. ☒ The allowed claim(s) is/are 4,7-13,15-25,29-39 and 41-53.
  3. ☒ The drawings filed on 16 January 2002 are accepted by the Examiner.
  4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

### REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: Note that Applicants' argument and amendment are sufficient to overcome the 112 claim rejections and sufficient to place the instant claims in condition for allowance. With respect to claim 49, the 112 claim rejections have been overcome by present amendment. With respect to independent claims 4, 16, 21 and 23, the 112 claim rejections have been overcome by the present argument. As argued by Applicants, the relationship of the end of the inner layer to the end of the outer layer is not a limiting feature of the present invention. The specification does not describe where the inner layer is ended along the outer layer, i.e., shorter or beyond the length of the outer layer, therefore, the subject matter described in independent claims 4, 16, 21 and 23 does not affect the scope of the present invention.

The examiner confirms that withdrawal of indicated allowability of claims 4 and 22 in view of the 112 claim rejections, first paragraph in the paragraph no. 2 of the 10/15/2004 Office Action is a typographical error. That should be corrected as "the indicated allowability of claims 4 and 21 is withdrawn in view of the 112 claim rejections, first paragraph". Claims 22 and 52 are allowable over the prior art as previously indicated in the paragraph no. 7 of the 10/15/2004 Office Action. The instant claims look allowable over the prior art for the following reasons.

Millar, Jr. (US 4,812,093) teaches a stake pocket tie-down anchor comprising an L-shaped member made of steel, a foam rubber 30 secured to the L-shaped member and a tie-down connection 20 provided onto the foam rubber 30. Millar fails to disclose

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or suggest the stake pocket tie-down anchor comprising the L-shaped member having the foam rubber and the tie-down connection attached to opposite surfaces of the L-shaped member, which is required by the claims.

Similarly, Moehring (US 3,938,660) teaches a composite packing comprising an L-shaped plastic member 50, a tubular runner 51 extending along the plastic member. The L-shaped plastic member is provided with raised portions 52, 53, which correspond to Applicant's attachment member. Likewise, it is clearly apparent that Moehring fails to disclose or suggest the tubular runner and the attachment member being secured to the opposite surfaces of the L-shaped plastic member, which is required by the claims.

One of skilled in the art would not be motivated to alter the spatial relationship between the individual components in Millar's stake pocket tie-down anchor or Moehring's composite packing to arrive at the structure of the presently claimed packing restraint because to do so would destroy the properties necessary for the intended utility. Additionally, the inclusion of the vertex comprising a groove in the inner surface of the L-shaped layer renders claims 4 and 21 patentable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Vo whose telephone number is (571) 272-1485.

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The examiner can normally be reached on M,T,Th, F, 7:00-4:30 and on alternating Wednesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HV

Hai Vo  
Tech Center 1700